

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## MINUTES FOR MANAGERS' MEETING

August 27, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting and annual budget hearing on Monday, August 27, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Kathleen K. Fenger, Administrative Assistant, Houston Engineering, Inc. (HEI); and landowners Jim Haick, Bill Davis, Franc Lerch, and Marc Hartjen.

BRRWD President Leitch called the meeting to order at 7:01 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

**Agenda.** President Leitch asked for comments or additions to the meeting agenda. There being none, the agenda was adopted.

**Secretary's Report.** The Board reviewed draft minutes for the 8/13/18 regular Board meeting and the 8/8/18 Becker County Ditch (C.D.) No. 9 Redetermination of Benefits hearing. **Motion** by Manager Affield to approve the 8/13/18 Board minutes. **Seconded** by Fjestad. **Approved.** **Motion** by Hanson to approve the 8/8/18 Becker C.D. No. 9 minutes. **Seconded** by Van Amburg. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Cash on hand is \$2,298,621.42. Income since the 8/13/18 meeting was \$144,024.72, including a reimbursement from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation (\$143,924.72) and an office rental fee from Gori, Julian & Associates, PC (\$100).

**South Branch of the Buffalo River Beaver Control.** Landowner Jim Haick reported that there is a possible beaver problem on the South Branch near Trunk Highway (T.H.) No. 9, possibly along the Wulfekuhle property (Section 5, Manston Township, Wilkin County). The river levels are rising, and the landowners are concerned about breakouts. Haick requested that the Board investigate his concerns. Albright suggested that Wade S. Opsahl, Technician, HEI, could use a drone to inspect the channel. Haick expects that we'll find a beaver dam, but vegetation (cattails) could also be restricting the flows.

Haick asked about the status of the South Branch of the Buffalo River Restoration project. Albright reported that the BRRWD has been awarded funding from the Lessard-Sams Outdoor Heritage Council (LSOHC) for the Phase 1 work in the upper reaches of the South Branch east of T.H. No. 9. Staff is still working with the area landowners on possible easements. Another landowner in the Phase 1 area might be interested in seeding buffers along the channel on his property where breakouts caused severe erosion during a heavy rainfall event several years ago. Once this work is completed, the Phase 2 work can be started west of T.H. No. 9. There was a brief discussion regarding water concerns along the channel west of T.H. No. 9. In response to Haick's question about the 9/6/18 Fall Tour itinerary, Albright said that the tour would probably include the Wolverton Creek Restoration and projects in the Moorhead area. He thought we would try to include projects in the central part of the BRRWD this year.

**Other Business brought before the Board included:**

**Permit Nos. 16-126 & 18-081, Eugene Kaiser.** Permit No. 16-126 is an after-the-fact permit application for the 2015 installation of Natural Resources Conservation Service (NRCS) designed water and sediment control basins, subsurface drainage, and an underground tile outlet to the west onto Harlan Wentz's property in the SE¼, Section 3, Callaway Township, Becker County. Permit No. 18-081 is to divert seepage flow from the tile outlet on the Wentz property, using an 18" dia. (or larger) relief well and 6" dia. non-perforated plastic tile, based on a minimum grade of 0.2%, to a ditch on Wentz's property. Albright and several managers conducted a field review with the landowners on 6/7/18. Albright recommended that both applications could be approved. **Motion** by Anderson to approve Permit Nos. 16-126 and 18-081, subject to our standard tiling disclaimer. **Seconded** by Larson. **Approved.**

**Permit No. 18-006, David Osten.** Applicant proposes to install random tile to drain low spots to an existing wetland in SW¼, Section 28, Norwegian Grove Township, Otter Tail County, and in Section 33, via a private ditch and existing wetland. The project will also include the installation of non-perforated 15" dia. dual-walled tile pipe between the two low areas. The downstream landowner, John Boen, approved the proposed project and signed the notification form. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 18-075, Pheasants Forever.** Applicant proposes to restore 10 wetland basins in the NW¼ and NW¼NE¼, Section 9, Callaway Township, Becker County. The United States Fish and Wildlife Service (USFWS) designed work will include filling existing ditches and removing washed-in sediment from the wetland basins. The finished water elevations should not back flow onto neighboring properties. Jones noted a seepage concern regarding Site 7, which is close to the property line. He discussed a possible agreement with the USFWS to lower the embankment ditch plug if there is a problem, or to adjust the run-out elevation of the basin. Jones suggested that the Board could approve all the sites, subject to a written agreement with the adjacent landowner regarding Site 7. **Motion** by Anderson to approve Permit No. 18-075, for Sites 1-10 with the exception of Site 7, which will require a written agreement between the USFWS and the neighboring landowner. **Seconded** by Fjestad. **Approved.**

**Permit No. 18-076, Marc Hasbargen.** Applicant proposes to install a new 24" dia. culvert for his farmstead driveway off Wilkin County Road (C.R.) No. 14 in the NW¼, Section 15, Sunnyside Township, Wilkin County. Jones recommended permit approval, subject to County approval to work within their road right-of-way (R/W) and matching the existing culvert sizings and elevations.

**Permit No. 18-077, Pheasants Forever.** Applicant proposes a USFWS wetland basin restoration in the S½, Section 36, Cuba Township, Becker County, near the 24" dia. outlet of the LaBelle/Boyer Lake project. The basins will have reinforced spillways around each of the structures and plugs in the ridge to restore the natural historical wetland configuration. USFWS also proposes to remove the first 120' of the LaBelle Lake outlet and to add a new concrete flared end, which would make it possible for USFWS to restore about a 14-acre basin in this area. Jones noted that he was involved with some of the design work on this project, and he recommended permit approval. He added that the concrete flared end on the outlet pipe will prevent the LaBelle Lake project outlet from icing up in the winter, so water will flow in the spring if the project needs to be operated. The proposed wetland elevation is much lower than the project, so he didn't expect any impacts.

**Permit No. 18-078, Carlisle Township.** Applicant proposes to install a new approach with a 15" dia. x 30' long corrugated metal pipe (CMP) on the north side of 270<sup>th</sup> ST in the northeast corner of the NE¼, Section 9. Jones recommended permit approval.

**Permit No. 18-079, Carlisle Township.** Applicant proposes to replace the ditches with single lines of tile on the east (8") and west (12") sides of 138<sup>th</sup> ST for approximately 1,000' to widen the road to 80' to accommodate elevator equipment relocation and traffic in the Village of French in the SE¼, Section 34. The tile lines will only convey runoff from the elevator site. Jones recommended permit approval.

**Permit No. 18-080, Dakota Carrier Network.** Applicant proposes to install underground fiber optic telecommunications cable across and along T.H. No. 10 and under Clay C.D. No. 41 in Moorhead (NW¼, Section 10, Moorhead Township). Jones recommended permit approval, subject to our standard utility disclaimer.

**Permit No. 18-082, David Schroeder.** Applicant proposes to install a side inlet structure along the South Branch of the Buffalo River in the NW¼, Section 9, Elmwood Township, Clay County, to trap sediment and prevent erosion. The project was designed by the Clay County Highway Department and the Soil and Water Conservation District (SWCD). Jones recommended permit approval.

**Permit No. 18-083, Clay County Highway Department.** Applicant proposes to remove two existing 36" dia. reinforced concrete pipe (RCP) in County State Aid Highway (CSAH) No. 7 in C.D. No. 33 in the NE¼, Section 22, Kurtz Township, with a combined waterway area of 14.13 square feet (sq. ft.) and replace them with one line of 54" dia. CMP with a waterway area of 15.7 sq. ft. Jones recommended permit approval.

**Permit No. 18-084, Mark Blaufuss.** Applicant proposes to install a new approach/24" dia. culvert off C.R. No. 16 in the NW¼, Section 31, Akron Township, Wilkin County, west of his building site to access his field. Albright recommended permit approval, subject to township approval to work within their road R/W.

**Permit No. 18-024, Joel Simmer.** Manager Larson visited with the applicant and neighboring landowners and recommended that the permit could be approved.

**Motion** by Van Amburg to approve Permit Nos. 16-126, 18-006, 18-024, and 18-075 through 18-084, subject to the referenced standard disclaimers and conditions. **Seconded** by Affield. **Approved.**

**Project No. 27, Clay C.D. No. 55 Repairs.** Jones reported that the Clay County Highway Department contacted HEI regarding a washed out crossing on C.D. No. 55 in Section 22, Elmwood Township. Water has undermined the bedding material under the culverts and caused a crossing failure. The repair will require the addition of bedding material and riprap. Landowner Doug Abel also requested that we clean approximately 0.25 miles of the ditch from his yard downstream to the referenced crossing to allow ditch maintenance, which now stands water. The Abel farmstead is just east of the outlet on the south side of the ditch. The opinion of probable cost for these repairs is \$8,000-\$10,000. Jones recommends the repairs be completed. **Motion** by Hanson to authorize the referenced repairs. **Seconded** by Anderson. **Approved.**

**Clay C.D. No. 16.** The redetermination of benefits hearing for C.D. No. 16 was held on 8/15/18. The Board discussed the results of the hearing and considered the Findings and Order to adopt the Viewers' Report and benefit area. Albright noted that a landowner contacted him with the request that any engineering or other costs incurred prior to the date of the Order not pertaining to the redetermination proceedings be assessed to the old benefit area. After review, he reported that close to 100% of the ditch system costs since 2015 were for the redetermination and should be assessed to the new benefit area. **Motion** by Anderson to adopt the Redetermination of Benefits Order for C.D. No. 16. **Seconded** by Larson. **Approved.** The Order is subject to a 30-day appeal period.

**Wilkin C.D. No. 7 Repair.** Jones submitted Pay Request No. 4 (Final) and Change Order No. 3 for the C.D. No. 7 repair for States Border Construction. The total contract amount was \$179,923.65, and the final Pay Request was for \$9,934.78. The Change Order No. 3 added \$988.00 to the contract price for additional

riprap. Total net change orders to date increased the contract by \$17,360.65. **Motion** by Van Amburg to approve the pay request and change order as referenced. **Seconded** by Affield. **Approved.** Jones will submit this bill to the Wilkin SWCD for reimbursement from their Minnesota Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) Grant.

**LSOHC Grant.** The LSOHC forwarded a grant contract for the Buffalo River Watershed Stream Habitat Program-Phase 1. The grant amount is \$1,195,000. The DNR will coordinate with the BRRWD on grant disbursement. Phase 1 work will include the restoration of up to 4.6 miles of the South Branch of the Buffalo River with up to 100 acres of associated riparian corridor habitat. The project will also divert water from Wilkin C.D. No. 44 back into the abandoned river channel. Funding for restoration work on Whisky Creek and its tributary in Clay County is also included in the grant contract. The contract will be in effect from July 1, 2018, until June 2021. **Motion** by Fjestad to authorize signature of the LSOHC grant. **Seconded** by Anderson. **Approved.**

**City of Barnesville Solar Garden.** At the last meeting, Manager Van Amburg had asked Albright to find information regarding Barnesville's proposed solar garden project and potential participation. Albright distributed a Solar Module Ownership Agreement for the Board's review. Van Amburg suggested that the BRRWD participate in the City's project for both civic and environmental reasons. **Motion** by Anderson to purchase one solar module at a cost of \$775. **Seconded** by Van Amburg. Fjestad questioned if the Board should use taxpayers' money to participate in this type of experimental project. Van Amburg thought an investment in solar powered electricity was an investment in the future. Voting in favor of the motion: Anderson, Hanson, Van Amburg, and Affield; opposed: Larson and Fjestad. **Approved.**

**Staff Outsourcing.** President Leitch noted that he has not completed a summary of his computations regarding engineering and staff outsourcing. He pointed out that the focus of his analysis would primarily be for office staffing, not engineering services.

**The following bills were presented for approval:**

Accounts Payable	Description	Account	Amount
American Enterprises Inc.	#1768, 2nd Mowing	Pj. 49, Oakport	\$ 4,840.00
Bob Bowers	Beaver Control	Pj. 63, Grove Lake	\$ 500.00
Bruce E. Albright	Soil Health Day (2)	M.S.A 103D905, Sub. 3	\$ 41.20
Bruce E. Albright	New Coffee pot	Admin.	\$ 50.76
BWSR	2018 Training Academy - 3 days	Admin.	\$ 135.00
Forum Communications Co.	Budget Hearing Notice (2)	Admin.	\$ 612.00
Joel Carlson	September Lobbyist Fees	Admin.	\$ 850.00
Mark G. & Debra J. Krupich	Easement Option Payment	Pj. 79, Wolverton	\$ 100.00
Moorhead Public Service	07/03/18-08/02/18 Service (4)	Pj. 49, Oakport	\$ 20.51
New Century Press	Budget Hearing Notice (2)	Admin.	\$ 249.76
Northern States Excavating	Repairs	Varies	\$ 48,203.62
Petty Cash	Office supplies, postage, etc.	Admin.	\$ 100.00
RMB Environmental Laboratories	#417783, WQ Analysis	M.S.A 103D905, Sub. 3	\$ 184.00
Roger Lundberg	Beaver Control	Becker C.D. No. 10	\$ 273.00
States Border Construction	Pay Request No. 4	Wilkin C.D. No. 7	\$ 9,934.78
Troy Larson	Voucher #18-19, 01/01-06/30/18	Varies	\$ 1,169.64
TrueNorth Steel	#FP0000013483-culvert/flap gate	Pj. 24, Wilkin C.D. 44	\$ 1,007.49
UEI	#76395, Phase 4 thru 7/31/18	Pj. 49, Oakport	\$ 330.00
William Nichol Excavating	Repairs	Varies	\$ 11,308.50
Xcel Energy	07/25/18-08/23/18 Service	Admin.	\$ 67.63
			<b>\$ 79,977.89</b>

**Motion** by Anderson to approve payment of the bills. **Seconded** by Hanson. **Approved.**

**Comments/Announcements:**

Manager Anderson discussed the Fargo-Moorhead Diversion proposed crossing on Wolverton Creek. He was concerned that the elevation of the proposed dam on T.H. No. 75 could be 3' higher than the Creek crossing, which appears to make Wolverton Creek an overflow location for the Diversion. This is different from the description the Diversion Authority (DA) presented at a recent BRRWD meeting. He felt it would be beneficial if the DA would share the actual engineering information with the public to clear up speculation and rumors. Jones offered to follow up with Bob Zimmerman, City of Moorhead Engineer, regarding this question.

**2019 Budget Hearing.** At 8:00 PM, the Board convened their 2019 annual budget hearing. Notice of the hearing was published in area newspapers. The Board will set the administrative fund levy, the ditch systems/project levies, and the Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, special levies for projects/programs initiated by petition.

The Board reviewed a worksheet comparing the 2014-2018 annual levies, excluding the ditch systems/project levies, which are self-supporting based on their benefit areas. Albright discussed his recommendations for the proposed levies. The 2019 Administrative levy is capped by Statute at \$250,000. Albright calculated that the insurance levy should be for approximately \$21,000, as authorized by M.S.A. 466.06. The Board usually assesses two special levies through the use of M.S.A. 103D.905, Subd. 3. The first one is a maximum levy for a variety of projects and programs, and the second will be for the BRRWD's contribution to the Wolverton Creek Restoration project. Albright noted that his recommendations for 2019 Administrative levies don't reflect a change in rates but are slightly higher because the BRRWD's total taxable market value was up slightly.

The Board reviewed the proposed 2019 Administrative levy budget breakdown. The Administrative levy assessment is capped by Statute at \$250,000. The Board also assesses an annual 1% fee to projects based on a project's expenditures to help cover the BRRWD's administrative expenses exceeding the levy cap. **Motion** by Anderson to approve the 2019 Administrative Levy for \$250,000, plus the 1% administrative fee, for a total levy of approximately \$350,000. **Seconded** by Affield. **Approved.** Albright noted that last year there was some carryover in the insurance account. The Board agreed to set the 2019 insurance levy at \$21,000. **Motion** by Fjestad to approve the insurance levy as referenced. **Seconded** by Affield. **Approved.**

The Board reviewed the proposed General Levy, to be taxed in accordance with the M.S.A. 103D.905, Subd. 3, *ad valorem* tax for a general fund not to exceed 0.007298% of all taxable market value to pay the costs attributable to the basic water management features of projects initiated by petition of a political subdivision within the Watershed District. In 2019, these funds will be used for a variety of projects/programs, including the Red River Basin Commission (RRBC) (\$25,000), River Keepers (\$55,000), development and implementation of total daily maximum load analysis for water quality, log jam removal, flood insurance studies, and flood damage reduction/natural resource enhancement projects. The Board briefly discussed the addition of a levy for Soil Health, which could be used to promote best management practices (bmps)/cover crops. **Motion** by Hanson to approve M.S.A. 103D.905, Subd. 3, 2019 Levy No. 1 for \$668,066. **Seconded** by Van Amburg. **Approved.**

In addition to the General Levy, the Board also considered a Special Levy associated with M.S.A. 103D.905, Subd. 3, to raise funding for Project No. 79, Wolverton Creek Restoration (\$500,000) for a term of four years, according to the BRRWD's commitment to contribute up to \$2 million to the project. Depending on construction bids, future assessments for the Wolverton Creek Restoration project could be less than the maximum. **Motion** by Anderson to approve the 2019 Special levy (\$500,000), as referenced. **Seconded** by Hanson. **Approved.**

The Board reviewed a color-coded worksheet showing total ditch system benefits, current balances, projected year-end balances, and previous years' levies, plus a sheet showing benefit rates broken down on a per acre basis for each ditch system/project and a sheet showing average project/ditch account expenses for 2012-2017.

The following 2019 ditch/project levies were set:

Clay County

Ditch No. 3 - \$25,000  
 Ditch No. 5 - \$20,000  
 Ditch No. 11 - \$100,000  
 Ditch No. 16 - \$25,000  
 Ditch No. 17 - \$10,000  
 Ditch No. 20 - \$10,000  
 Ditch No. 21 - \$20,000  
 Ditch No. 22 - \$10,000  
 Ditch No. 23 - \$10,000  
 Ditch No. 31 - \$5,000  
 Ditch No. 39 - \$20,000  
 Ditch No. 40 - \$25,000  
 Ditch No. 41 - \$75,000  
 Ditch No. 51 - \$15,000  
 Ditch No. 54 - \$10,000  
 Ditch No. 58 - \$20,000  
 Ditch No. 60 - \$10,000  
 Ditch No. 65 - \$15,000  
 Ditch No. 69 - \$10,000

Becker County

Ditch No. 5 - \$25,000  
 Ditch No. 9 - \$20,000  
 Ditch No. 10 - \$3,000  
 Ditch No. 15 - \$15,000  
 Ditch No. 19 - \$10,000

Wilkin County

Ditch No. 1C - \$20,000  
 Ditch No. 3 - \$40,000  
 Ditch No. 6A - \$25,000  
 Ditch No. 7 - \$15,000  
 Ditch No. 13 - \$25,000  
 Ditch No. 13-Lateral - \$50,000  
 Ditch No. 22 - \$75,000  
 Ditch No. 26 - \$15,000  
 Ditch No. 40 - \$15,000  
 Ditch No. 41 - \$70,000  
 Ditch No. 43 - \$40,000  
 Ditch No. 44 - \$30,000  
 Wilkin/Otter Tail Co. J.D. No. 2 - \$20,000

Projects/Ditch Systems

No. 30, Clay-Wilkin J.D. No. 1 - \$25,000  
 No. 49, Oakport Flood Mitigation - \$100,000  
 No. 50, Cromwell Township Outlet - \$10,000  
 No. 56, Manston Slough - \$100,000  
 No. 64, LaBelle/Boyer - \$10,000  
 No. 79, Wolverton Creek Restoration - \$99,407.35

**Motion** by Anderson to approve the 2019 project and ditch system assessments (\$1,292,407). **Seconded** by Fjestad. **Approved.** All levies will be certified with the Auditors in Clay, Becker, Wilkin, and Otter Tail Counties by September 15, 2018.

**Next Meeting Agenda.** President Leitch asked for any items the Board would like to have added to the 9/10/18 meeting agenda. Jones suggested that the Wolverton Creek project should be a standing item on the agenda while Phase 1 is under construction. He also noted that the Board could discuss the 220<sup>th</sup> ST drainage investigation revised study. Manager Anderson asked if the Clay/Wilkin Judicial Ditch (J.D.) No. 1 Preliminary Hearing could be discussed at the next meeting. Albright said it will be on the agenda.

Albright noted that landowner Jeff Nord visited the office today with a concern about landowners receiving assessments for multiple ditch systems. Nord is assessed for J.D. No. 1, plus a few other systems. While Nord supports the proposed outlet improvement, he hopes that the Board will keep this issue in mind when they locate project funding. Jones noted that even though landowners are assessed to several ditches, their overall assessments are comparable/equitable with their neighbors because the rates would be lower.

**Area Lake Outlets.** Landowners on Pete and Grove Lakes voiced concerns about their lake elevations. Albright offered to answer their questions following the meeting.

**Next Meeting.** The next regular meeting will be held on Monday, September 10, 2018, at 7:00 PM in our Barnesville office.

**Adjournment.** **Motion** by Fjestad to adjourn the meeting. **Seconded** by Affield. **Approved.** President Leitch adjourned the meeting at 8:46 PM.

Respectfully submitted,

John E. Hanson, Secretary